



18351 U.S.PTO

Attorney Docket No. 101.0069-02000  
Customer No. 22882  
Express Mail Label No. ER521780380US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No. (Div. of 10/246,931)

Filed: April 14, 2004

For: METHOD FOR INSERTING NESTED  
INTERBODY SPINAL FUSION IMPLANTS

## Prior Application Information:

Group Art Unit: 3738

Examiner: D. Willse

16834 U.S.PTO  
10/825522

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CONTINUING APPLICATION TRANSMITTAL**

Transmitted herewith for filing is a  Continuation  Divisional  Continuation-In-Part application under 37 C.F.R. § 1.53(b) of prior patent application No. 10/246,931, filed September 19, 2002.

Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.  
 22 total application pages including specification, claims (10 total and 2 independent), and abstract are enclosed.  
 A newly executed Declaration and Power of Attorney  is enclosed  will follow.  
 A copy of the Declaration and Power of Attorney from the prior application is enclosed.

The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

9 sheets of formal drawings (A4 paper; Figs. 1-14) are enclosed.  
 The prior application is assigned of record to: \_\_\_\_\_.  
 The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.  
     The power appears in the original Declaration of the prior application.  
     Since the power does not appear in the original Declaration, a copy of the power in the prior application is enclosed.  
 A certified copy of \_\_\_\_\_ Patent Application No. \_\_\_\_\_ filed \_\_\_\_\_ from which priority is claimed under 35 U.S.C. § 119 is enclosed.  
 Information Disclosure Statement (IDS) with Form PTO-1449 is enclosed.  
 Amend the specification by rewriting paragraph 1 on page 1 to read as follows:  
    --This is a  continuation  divisional of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and claims benefit of U.S. Provisional application No. \_\_\_\_\_, filed \_\_\_\_\_, all of which are incorporated herein by reference.--.  
 Cancel Claims \_\_\_\_\_.  
 An Amendment is enclosed.

CALCULATION OF FEES							
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ FEE
A	TOTAL CLAIMS FEE	10	-20	0	LG=\$18 SM=\$9	\$18	\$ -0-
B	INDEPENDENT CLAIMS FEE*	2	-3	0	LG=\$86 SM=\$43	\$86	\$ -0-
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						\$ -0-
D	MULTIPLE-DEPENDENT CLAIMS FEE						LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145
E	BASIC FEE						LARGE ENTITY FEE = \$770 SMALL ENTITY FEE = \$385
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)						\$ 770.00

A check in the amount of \$770.00 to cover the above fees is enclosed.

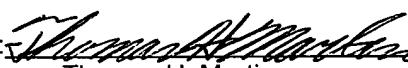
Correspondence Address: Customer No. 22882  
 Martin & Ferraro, LLP  
 1557 Lake O'Pines Street, NE  
 Hartville, Ohio 44632  
 Telephone: (330) 877-0700  
 Facsimile: (330) 877-2030

The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**  
 Any additional filing fees required under 37 C.F.R. § 1.16  
 Any patent application processing fees under 37 C.F.R. § 1.17

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 10/246,931, filed September 19, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,  
 MARTIN & FERRARO LLP

Date: April 14, 2004

By:   
 Thomas H. Martin  
 Registration No. 34,383

1557 Lake O'Pines Street, NE  
 Hartville, Ohio 44632  
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PATENT  
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Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. ER521780380US

Date of Deposit: April 14, 2004

I hereby certify that:

1. Continuing Application Transmittal Form (in duplicate)
2. 22 total application pages including specifications, claims (10 total and 2 independent), and abstract
3. Copy of executed Declaration and Power of Attorney from prior application
4. 9 sheets of formal drawings (A4 paper; Figs. 1-14)
5. Information Disclosure Statement with Form PTO-1449
6. Check in the amount of \$770.00 (filing fee)
7. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: April 14, 2004



Sandra L. Blackmon

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